THE HON'BLE MR. JUSTICE V.V.S. RAO

THURSDAY, THE 29TH DAY OF DECEMBER, 2005

W.P.No. 27920 of 2005

Between:-

G. Appala Narasamma and eleven others.

--Petitioners

And

The Commissioner, Municipal Corporation of Visakhapatnam, Visakhapatnam.

--Respondents

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:O R D E R:

The petitioners, who are twelve in number, are owners of residential houses in Santapalem village, Chinagadali mandal, which form part of Municipal Corporation of Visakhapatnam (for short 'MCV'), the sole respondent herein. The petitioners allege that in connection with the formation/widening of 200' wide road from Hanumanthavaka to Darapalem, the officials of the respondent-Corporation marked the portion of petitioners' property and are resorting to evict the petitioners without due process of law. Therefore, the present writ petition is filed.

Heard the learned counsel for the petitioners and the learned standing counsel for MCV, who does not dispute that there is a proposal to form the road in question. Therefore, it is needless to point out that unless and until the respondent-Corporation resorts to the procedure under Sections 146 or 147 of the Hyderabad Municipal Corporation Act, 1955 (for short 'the Act'), as made applicable to the MCV, they cannot dispossess the petitioners from their houses. If the petitioners are not willing to give their consent to part with the possession of the property for widening of the road, necessarily the respondent-Corporation has to follow the procedure according to law. Pending such action, the respondent-Corporation can neither dispossess the petitioners nor demolish their houses.

The writ petition, with the above observations, is accordingly disposed of. No costs.

V.V.S. RAO, J

29-12-2005

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